

JCO6 Rec'd PCT/PTO 23 MAR 2005

**Re Point I.5**

The changed Claim 1, which was received with a letter dated 06/08/2004, does not fulfill the requirements with respect to PCT Articles 19 (2) and 34 (2) b since the subject matter of the amended claim goes beyond the subject matter disclosed in the Specification.

In the passage of the Specification (page 5, lines 6ff.) cited by the applicant as proof of disclosure, the functioning of a system is described with the aid of Fig. 2. It seems that the wording of the changed Claim 1 represents a generalization of the functional sequence there described.

Among other things, the passage states that a determination is made "... which of the two velocities of the left and right upfront sensors is at a maximum." The claim merely speaks of a maximum (this is not necessarily the same) of the two signals (here there is no reference to the velocity).

Likewise, this passage does not disclose how the signals and thresholds behave in the case of two-stage restraint devices.

Thus a substantial examination of the amended claim is not possible. The basis of the International Preliminary Examination Report is thus the originally received version of the claims, PCT Rule 70.2 c).

**Re Point V.2****Documents**

Reference is made to the following documents cited in the Search Report:

D1: DE-A-19955559

D2: DE-A-10010905

### **Novelty and Inventive Activity**

Claim 1 does not fulfill the requirements of PCT Article 33 (2) with regard to novelty since document D1 discloses all of the features of the claim.

In particular, D1 discloses a (the comments in parentheses relate to D1): A device for triggering restraint devices, the device having a control unit centrally located in the vehicle having at least one acceleration sensor (Figure 2: 14, 16, Abstract) and at least one upfront sensor (17, 19 in Figure 2, also Abstract), the control unit being configured in such a way that the control unit triggers the restraint devices if specific derived signals of the at least one acceleration sensor and of the at least one upfront sensor exceed specific thresholds (this is always so, possibly the threshold is=0, but also Abstract), the control unit changing the specific thresholds as a function of the signal of the at least one upfront sensor (likewise in the Abstract).

Documents D2 and D3 likewise anticipate the subject matter of Claim 1 in a manner that is prejudicial as to novelty; see particularly the passages cited in the Search Report.

The features of the dependent claims are likewise known at least from D1. For Claim 2, see e.g. (!) Figure 3, signal 74; for Claim 3, column 3, lines 50 ff. and for Claim 4, among other things, Figure 1, filters 42, 43, 33, 35.

Documents D2 and D3 partly also disclose features of the dependent claims. Here we refer to the Search Report.

### **Additional Shortcomings Of The Application:**

1. In order to fulfill the requirements of PCT Rule 6.3 (b), Claim 1 should be written in the two-part form, the features disclosed in the nearest related art being included in the preamble of the claim (PCT Rule 6.3(b)(i)) and the remaining features being included in the characterizing part (PCT Rule 6.3(b)(ii)) and PCT Guidelines PCT/GL/3 III, 2.3a).
2. In contradiction to PCT Rule 5.1(a)(ii), the relevant related art was not acknowledged in the Specification.
3. The expression "the ... velocity signals ..." (Claim 2) has at this point not yet been defined; thus the indefinite article should be used, PCT Article 6).
4. Claim 4 contradicts the Specification. There it is explained that the filter used is a low pass, which - as the name says - lets low frequencies pass.

The claim by contrast states the filtering "... up to 100 Hz ...", which according to a general understanding can mean only from 0 to 100 Hz.

This would correspond to a high-pass filter.